

EXPLANATORY MEMORANDUM TO
THE NON-COMMERCIAL OF PET ANIMALS ORDER 2011

2011 No. 2883

1. This explanatory memorandum has been prepared by the Department for Environment, Food & Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 From 1 January 2012, the UK will implement a revised Pet Travel Scheme to align its rabies import requirements with those currently applied by other Member States under Regulation (EC) No 998/2003. The UK must also enforce requirements under separate EU legislation that protect against the risk of other diseases entering the UK via pet movements: highly pathogenic avian influenza, Nipah and Hendra disease, Monkey pox virus and the tapeworm *Echinococcus multilocularis*.

- 2.2 The Non-Commercial Movement of Pet Animals Order 2011 (“the Order”) revokes and replaces existing pet legislation in England and Scotland (equivalent legislation is not in force in Wales) to enforce the revised import requirements that apply to pets (cats, dogs and ferrets) entering Great Britain.

- 2.3. The Order also amends the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (“the Rabies Order”) and the Zoonoses Order 1989.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 The interface between the Order and the Rabies Order is complicated and it is recognised that the legislation is in need of consolidation to bring the import entry requirements for all rabies-susceptible animals into one single instrument. However, we have not consolidated the two separate Orders this time around because a recast of Regulation 998/2003 is anticipated from the European Commission. We will look to consolidate both Orders once the changes to Regulation (EC) No 998/2003 have come into force. In the meantime to assist understanding of how the Order impacts on, and amends provisions in, the Rabies Order, the Department will place comprehensive guidance as well as an unofficial consolidated version of the Rabies Order on its website.

4. **Legislative Context**

Rabies

4.1 Regulation (EC) No 998/2003 lays down rabies import requirements which pets (dogs, cats and ferrets) must comply with when travelling between Member States and from third countries. Since 2004, the UK has relied on a derogation in the Regulation to apply more stringent import conditions to pets. The derogation expires on 31 December 2011. From 1 January 2012, the UK must apply the EU-wide rabies import requirements under Regulation (EC) No 998/2003. This Order provides for the administration and enforcement of those requirements in Great Britain.

4.2 The Rabies Order is being amended to give effect to the revised rabies import requirements but also to make changes which are not related to EU obligations. The quarantine period for rabies-susceptible animals (other than animals subject to Regulation (EC) No 998/2003) is being reduced from 6 months to 4 months. A discretionary power is also being introduced to reduce or waive that 4-month quarantine period if Ministers are satisfied that the release of the animal will present negligible risk of the introduction of rabies into Great Britain.

Tapeworm (*Echinococcus multilocularis*)

4.3 The UK also has a derogation under Regulation (EC) No 998/2003 to apply additional import conditions on pet dogs, cats and ferrets to protect against tick-borne diseases and the tapeworm *Echinococcus multilocularis*. This derogation expires on 31 December 2011. From 1 January 2012, the UK will no longer apply import controls relating to tick-borne diseases. Import controls relating to tapeworm have been revised and are implemented under a separate Commission Delegated Regulation (EU) No 1152/2011. The revised tapeworm controls, for dogs only, can be applied by Member States that are tapeworm-free, currently the UK, Ireland, Malta and Finland. The Order provides for the administration and enforcement of those tapeworm requirements in Great Britain.

Other Diseases

4.4 The Order also provides for the administration and enforcement of EU health measures that protect against the risk of other diseases entering the UK via pet movements: highly pathogenic avian influenza (pet birds), Nipah disease (dogs and cats from Malaysia), Hendra disease (cats from Australia) and Monkey pox virus (prairie dogs from the USA and rodents and squirrels from the African sub-Saharan region).

Ambulatory References

4.5 It is expedient that references in the Order to Commission Decision 2007/25/EC and to Annexes I and II to Regulation (EC) No 998/2003 should be construed as references to the Decision or the Annexes to the Regulation as amended from time to time. Ambulatory references are necessary to ensure EU requirements in the Decision and the Annexes to the Regulation (which are subject to frequent updating) are fully implemented and directly enforceable without the need for further legislation.

5. Territorial Extent and Application

5.1 This Order applies to Great Britain. Separate legislation will be introduced in Northern Ireland and the Channel Islands.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Rabies and Tapeworm - Pets

- 7.1 Until 31 December 2011, the derogations referred to in paragraph 4.1s and 4.3 have allowed the UK to apply additional rabies controls and tick and tapeworm rules for pets. Since 2004, pets entering the UK from other Member States and “listed third countries” (non-EU countries listed in Annex II of Regulation 998/2003) need to be blood tested, treated against ticks and tapeworm and must have waited 6 months before travelling. Pets entering the UK from “unlisted third countries” (non-EU countries not listed in the Regulation) have been required to undergo six months’ quarantine.
- 7.2 From 1 January 2012, the UK must implement the requirements of Regulation (EC) No 998/2003 as it applies across the rest of the EU. This means that pets travelling to the UK from those countries will require a microchip, passport and rabies vaccination and must wait 21 days after vaccination. However, the UK will still retain pre-entry tapeworm controls for pet dogs. Pets from unlisted third countries will be able to enter the UK without the need for quarantine provided they have had a vaccine against rabies, a blood test, and a 3 month wait post-blood test.
- 7.3 100,000 dogs, cats and ferrets enter the UK each year under the Pet Travel Scheme. From 1 January 2012, the import rules for pets will be simpler so the number of pets entering the UK, and the number of UK pets travelling abroad, is likely to increase.
- 7.4 Whilst the Pet Travel Scheme rules are being simplified, they will continue to protect human and animal health against the risk of rabies and tapeworm entering Great Britain via pet movements. Pet checks will continue to be undertaken by carriers to ensure pets meet the necessary entry rules. Checking arrangements are enforced under the carrier approval system.
- 7.5 Pet owners will still have the option of placing their pet into quarantine provided they obtain an import licence and the pet completes the entry conditions whilst in quarantine, e.g. if they are relocated or have to move to Great Britain at short notice. Unless an import licence has been issued, it is an offence under the Rabies Order to land a pet in Great Britain which fails to meet the rabies and, if applicable, tapeworm controls and/or is transported on a carrier that has not been approved under the Order. Recognised assistance dogs as well as pets travelling from the Republic of Ireland do not have to travel via an approved transport company. Pets that fail to meet the rabies and, where applicable, tapeworm requirements when entering Great Britain will either be re-exported or put into quarantine until they comply with the rules. These rules will also apply to pets brought to Great Britain from the Republic of Ireland but due to a long-standing

arrangement on the movement of pets between those two countries, and the rabies-free status of these two islands, it has been agreed that pet owners or carriers importing a non-compliant pet from the Republic of Ireland to Great Britain will not be guilty of an offence.

Rabies – Animals other than pets

- 7.6 The Order also reduces the quarantine period for rabies-susceptible mammals, (other than than pets subject to EU Regulation 998/2003) from 6 to 4 months following the recommendations of a veterinary risk assessment in 2009
- 7.7 The Order also gives discretionary powers to Ministers to reduce or waive the 4-month quarantine period for a rabies-susceptible animal (other than for pets) if satisfied that the release of the animal from quarantine will present negligible risk of the introduction of rabies into Great Britain. This will mainly affect certain species in zoos and similar establishments where they are considered to pose little or no risk of rabies, as they may have been born and bred in captivity or originate in a rabies-free country.

Avian Influenza

- 7.8 A new offence has been created to enforce EU import requirements to prevent the spread of highly pathogenic avian influenza into Great Britain from the import of pet birds from third countries. If a non-compliant pet bird has been imported, the owner will first be served with a notice requiring the bird to be quarantined, re-exported or destroyed. If the owner fails to meet the terms of that notice an offence will be committed.

Transitional provision

- 7.9 The Order includes a transitional arrangement for pets already in quarantine before 1 January 2012 which are not eligible for release until after 1 January 2012 when the revised pets rules are in force. The owner has two options for releasing their pet: either it serves the full 6-months quarantine under the pre-1 January 2012 rules or it can be released earlier as soon as it meets the new EU entry rules, e.g. it is vaccinated, blood tested (if necessary) and serves the necessary waiting period. They may choose to keep their pet in quarantine if it is nearing the end of its 6-month quarantine period and the owner does not want to incur further costs, e.g. for a blood test, to bring it in line with the new EU requirements before its release.

Miscellaneous

- 7.10 In order to meet its EU obligations, the Government must legislate to apply the revised import rules to pet animals from 1 January 2012. This cannot be done on a voluntary basis or through other means such as a Code of Practice.

8. Consultation outcome

- 8.1 A formal consultation was not carried out as the changes to the Pet Travel Scheme are required by EU legislation and are directly applicable in the UK from 1 January 2012. The Order provides for the administration and proper enforcement of those directly applicable requirements. However, between May and August 2011, Defra and the Animal Health & Veterinary Laboratories Agency (AHVLA) held a number of meetings with

relevant industry stakeholders, in particular veterinary organisations, quarantine owners and the transport sector, to discuss the changes and their effect and impact. With regard to reducing the quarantine period from 6 to 4 months (for animals other than pets), a reduction in that period has been discussed and supported by the zoo industry.

9. Guidance

- 9.1 Guidance is available on the Defra and AHVLA websites for the rules on importing pets into Great Britain. Defra has also worked closely with key stakeholders, in particular the veterinary profession, to ensure that the public are made aware of the UK's pet import rules and how they are changing from January 2012.

10. Impact

- 10.1 The impact of this Order on charities or voluntary bodies is minimal. There may be an indirect impact on private quarantine businesses and private veterinarians as a result of the changes in the pet import requirements although no regulatory burdens have been placed on either sector directly as a result of the changes. The potential impact on these businesses are described in the Impact Assessment (paragraphs 45-47) attached to this Explanatory Memorandum. The potential benefits to pet owners as a result of these changes are described in paragraph 27 of the Impact Assessment. However, it is expected that with the simplification and reduced cost of the pet import rules, veterinary practices may see an upturn in business from clients wishing to take their pets abroad. The impact on the public sector has been considered and is minimal.
- 10.2 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

- 11.1 This Order does not regulate small businesses but may have an indirect impact on small businesses as highlighted in section 10. Additionally, any transport company wishing to transport pets into Great Britain will have to apply to the appropriate authority (AHVLA) for approval to do so and to agree any necessary terms and conditions (this approval system has been in place since the Pet Travel Scheme was first introduced in 2000 and the EU pet passport system was subsequently introduced in 2004).

12. Monitoring & review

- 12.1 The Order will be reviewed from time to time by the Secretary of State to assess the extent to which the objectives of the Order have been achieved in Great Britain and to assess whether the objectives remain appropriate and can be achieved in a less burdensome way. Following each review, the Secretary of State is required to report the conclusions of that review and publish the report.

13. Contact

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